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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,903	08/08/2007	James Donald Law	7733P007	6147

7590 07/18/2008  
Blakely, Sokoloff, Taylor & Zafman  
12400 Wilshire Boulevard  
7th Floor  
Los Angeles, CA 90025

EXAMINER
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KREINER, MICHAEL B

ART UNIT	PAPER NUMBER
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4174

MAIL DATE	DELIVERY MODE
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07/18/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/576,903	<b>Applicant(s)</b> LAW ET AL.	
	<b>Examiner</b> Michael Kreiner	<b>Art Unit</b> 4174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18-20 and 26 is/are allowed.
- 6) ☒ Claim(s) 1-4, 14 and 16 is/are rejected.
- 7) ☒ Claim(s) 5-13, 15, 17 and 21-25 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                        |                                                                   |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/20/06 and 6/7/07</u> .                                      | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION****Comment [j1]:** Do not delete comments**Comment [j2]:** Info does not match with office action summary sheet and bib-data sheet**Priority**

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d).

***Information Disclosure Statement***

2. The information disclosure statements (IDS) submitted on 20 April 2006 and 7 June 2007 are being considered by the examiner.

***Examiner's Comment***

3. The preliminary amendment filed on 20 April 2006 has been acknowledged.
4. Applicant is advised that claims 21-25 depend from claim 17 as disclosed, however the claim worksheet shows these claims to depend from independent claim 18.  
*Only if necessary*, appropriate correction is required through amending the claims.

***Specification***

5. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

6. The abstract of the disclosure is objected to because "said" appears on lines 3 and 6. Correction is required. See MPEP § 608.01(b).

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7. The disclosure is objected to because of the following informalities: “but” on p. 14 *l.* 20 in the sentence that starts “The kinetic energy due to...” should read “by.”

Appropriate correction is required.

***Claim Objections***

8. Claim 12 is objected to because of the following informalities: “closest the wire” on line 3 should read “closest to the wire.” Appropriate correction is required.

9. Claim 4 is objected to because of the following informalities: the sentence is confusing as written. Either “pair of electrodes is” should read “pair of electrodes are” (“even when we mean only one [pair] we always treat the word as grammatically plural” *Fowler’s Modern English Usage*, 2<sup>nd</sup> ed., p. 432), or read “the electrodes of a pair are.”

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 1-4, 14, and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Waldorf et al. (U.S. Pat. No. 6,933,446).

Regarding claim 1, Waldorf teaches a wire-strike system including: a wire cutter including at least one pair of electrodes (40 in fig. 1, col. 2 *l.* 21-22 and 55-56), electrically insulated from each other (electrodes connected to each other by non-

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conducting base 20 in fig. 1, col. 2 *l.* 23-24) and mountable upon an outer surface of an aircraft (col. 2 *l.* 58-60), said electrodes being connectable to a power source (col. 2 *l.* 64-65) capable of generating an electrical potential difference between the electrodes and in the event of a wire-strike, supplying a short-circuit current flow through a portion of said wire connecting both electrodes.

Regarding claim 2, Waldorf teaches that said electrodes (40) are attached to an electrically insulated (col. 2 *l.* 23-24) mounting base portion (20).

Regarding claim 3, Waldorf teaches that said base portion (20) and electrodes (40) are formed as an elongated strip (col. 2 *l.* 21-22), wherein the electrodes are elongated and located adjacent, but spaced apart from each other (fig. 1 shows tracks 22 and 23 are spaced apart from each other).

Regarding claim 4, Waldorf teaches a pair of electrodes (40) are orientated substantially parallel to each other (col. 2 *l.* 56-58).

Regarding claim 14, Waldorf teaches that the wire cutter electrodes (40) may be formed as a series of substantially equidistant, parallel conductors (col. 2 *l.* 56-58) of alternately opposing electrical polarity (col. 3 *l.* 5-6, where alternating current would provide alternately opposing electrical polarity between the electrodes).

Regarding claim 16, Waldorf teaches an electrical power source (50 in fig. 3) and electrical connections between said power source and the or each pair of wire cutter electrodes (the power source is operatively connected to the electrodes, col. 3 *l.* 20-21).

***Allowable Subject Matter***

12. Claims 5-13, 15, 17, and 21-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the

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limitations of the base claim and any intervening claims. Claim 1 would be allowable if “mountable upon an outer surface of an aircraft” was amended to read “mounted to an outer surface of an aircraft.”

13. Claims 18-20 and 26 are allowed.

14. The following is a statement of reasons for the indication of allowable subject matter: Emigh et al. (U.S. Pat. No. 4,407,467) teaches a pyrotechnically activated wire-strike system, but fails to teach using electric wires to short-circuit and heat the striking wire. Huntington (U.S. Pat. No. 2,106,323) teaches a system of wires mounted in parallel to the leading edge of a wing, but fails to teach that the wires are electrified or intended to cut through wire.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Kreiner whose telephone number is (571)270-5379. The examiner can normally be reached on Monday-Thursday 7:30am-5:00pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly D. Nguyen can be reached on (571)272-2402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

**Comment [j3]:** Missing reasons for allowance statement ... come and see me if you have never written one

**Comment [j4]:** What about Huntington James ref?

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. K./

Examiner, Art Unit 4174

/JACOB CHOI/

Primary Examiner, Art Unit 2885